



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Numbers:** 3002989  
**Applicant Name:** Todd Curry  
**Address of Proposal:** 3012 N.E. 140<sup>th</sup> St.

**SUMMARY OF PROPOSED ACTION:**

Council Land Use Action to rezone 3,149 sq. ft. of land from SF7200 to L-3 and to establish use for future construction of a three-story, 9,059 sq. ft. townhouse building with six units and attached garages. The existing single family residence is to be removed.

The following approvals are required:

**Contract Rezone** – to rezone 3,149 sq. ft. from SF7200 to L-3 in conjunction with construction of a townhouse building on file at DPD. (Seattle Municipal Code Section 23.34.004)

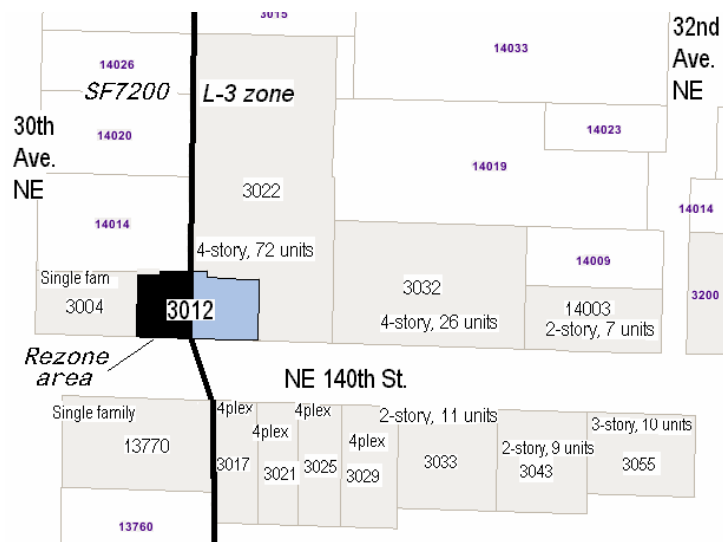
**SEPA** – Environmental Determination (SMC 25.05)

**SEPA DETERMINATION:**      ☐ Exempt    ☐ DNS    ☐ MDNS    ☐ EIS  
   ☒ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The proposal site, at 3012 Northeast 140<sup>th</sup> Street in the Lake City area of Seattle, is split zoned L-3 and SF 7200. The block containing the proposal site is bounded by 30<sup>th</sup> Avenue Northeast, Northeast 140<sup>th</sup> Street, and 32<sup>nd</sup> Avenue Northeast. The block does not contain an alley. The proposal site contains 7,354 sq. ft. of land. The west 3,149 square feet which is zoned SF 7200. It is essentially rectangular in shape, with 118 feet of frontage along Northeast 140<sup>th</sup> Street. The existing structure on the site is a wood frame, single-family house.



The site is located in a transitional area between the traffic and commercial activity along Lake City Way Northeast and the single-family neighborhoods west of 30<sup>th</sup> Avenue Northeast. Of the eleven parcels along the block, eight contain multi-family structures with a total of 151 units. The parcel directly east of the proposal site contains four-story structures with seventy-two units. There are no curbs or sidewalks along the block.

The next block east, between 32<sup>nd</sup> Avenue Northeast and Lake City Way Northeast, contains four commercial structures and seventeen-unit apartment building. The commercial structures include a used car business, an empty storefront, a three-story office building, and a warehouse.

The proposal site is moderately sloped, with a fifteen-foot vertical slope from west to east over 118 feet. There is a stop sign on Northeast 140<sup>th</sup> Street at 30<sup>th</sup> Avenue Northeast. The traffic volume along Northeast 140<sup>th</sup> Street is fairly moderate, arising from the neighboring apartments and the commercial activity east of 32<sup>nd</sup> Avenue Northeast. Traffic along 30<sup>th</sup> Avenue Northeast, an arterial with Metro bus service, is heavier.

### Contract Rezone

The proposal is to rezone a portion of the subject site so that the entire site is in the L-3 zone. Presently, the subject site is split-zoned. The east 4,205 sq. ft. of the parcel is zoned L-3. The west 3,149 sq. ft. is zoned SF7200. The purpose of the rezone is to enable development of the entire 7,354 sq. ft. parcel under the L-3 standards. Without the rezone, only the east 4,205 sq. ft. of the parcel could be developed; the west 3,149 sq. ft. would be too small for development in the SF7200 zone.

A three-story, 9,059 sq. ft. townhouse building with six units having attached garages at grade has been designed and this development only is proposed as a contract provision. There is no alley. Vehicle access from the street is proposed via three short driveways each serving two units. The proposed project would provide right-of-way improvements including curbs, sidewalks, and surface water conveyance. Each unit would have three bedrooms and approximately 1,325 sq. ft. of living space. Private open space would be provided at grade in the 2,140 sq. ft. rear yard. Private access to each unit would be provided in the front (front door and

garage door) and the rear (patio door). Finished grade would follow the existing slope. The first two units on the west would be seven feet higher than the middle two units, which in turn would be five feet higher than the two units on the east.

Curbs and sidewalks as shown in plan sets at DPD are proposed as contract provisions to be provided as a condition of the proposed rezone.

## **ANALYSIS, DECISIONS, RECOMMENDATIONS AND CONDITIONS**

### **I. REZONE – ANALYSIS AND RECOMMENDATION OF THE DIRECTOR**

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. The provisions shall be weighted and balanced together to determine which zone designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a “hierarchy of priorities” for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

#### **A. General Rezone Criteria**

##### **1. Urban Village or Urban Center Zoned Capacity**

As the proposal site is in neither an urban village nor an urban center, criteria relating to zoned capacity and growth targets do not apply. (SMC 23.34.008A).

##### **2. Match between Zone Criteria and Area Characteristics**

General rezone criteria are set forth in SMC 23.34.008. Subsection SMC 23.34.008.B states as follows: “The most appropriate zone designation shall be that for which the provisions for designation of the zone type and locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.” In this instance, the current zoning designation is split between L-3 and SF7200. The proposal is to designate the entire parcel in the L-3 zone, so it is the function and locational criteria for the L-3 zone that are the focus of this analysis. These criteria are stated in SMC 23.34.020.

The function criterion for the L-3 zone is that it be an “area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.” The proposal site satisfies the function criteria because it creates an infill opportunity that is compatible with the existing mix of moderate scale multi-family development and houses.

The first locational criterion limits eligible properties to those that are in areas predominantly developed to the permitted L-3 density or are in certain designated areas. The proposal site satisfies the first criterion as it is already partially in the L-3 zone. Also, the eight multi-family parcels on the same block consist of 151 units on 120,320 sq. ft. of land, or one unit per 797 sq. ft, which is the just over the maximum L-3 density of one unit per 800 sq. ft. The structures on those parcels range from two stories to four stories, which again is over the maximum L-3 height.

The second locational criterion limits eligible properties to those not designated as environmentally critical. Ninety feet east of the east boundary of the proposal site is a small stream running underground via a thirty-inch concrete pipe. The specific area for which the rezone is being requested lies 150 feet away from the culvert. The proposal site satisfies the second criterion as the rezone request area does not lie within a designated environmentally critical area.

The third locational criterion specifies the L-3 designation as being most appropriate for those areas characterized by existing development consistent with L-3 density and scale. Development on the immediately adjacent property to the east and north is of multistory apartments and is at a density expected in L3. In the area, on both sides of N.E. 140<sup>th</sup> St. in the subject street segment development is, in the majority multi-family varying in height from two to four stories. While most existing development on the street segment is not at the limit of height or density allowed by the L-3 zone proposed it is consistent with the older development which might be expected in an L-3 zoning, some percentage of which might be redeveloped in any given year. Development existing in the area and proposed on the subject site is consistent with that which might be expected in an area zoned L-3.

The fourth locational criterion specifies the L-3 designation as being most appropriate for those areas with adequate vehicular circulation and site access. Alley access, sufficient street width for two-way traffic, and curbside parking are preferred characteristics. The proposal site does not have alley access. However, the proposal site satisfies the fourth criterion because the street is sufficiently wide (sixty-foot right of way) and it accommodates two-way traffic and street-side parking. There are presently no curbs, but the proposed project includes adding curbs and sidewalks. Curb and sidewalk improvements are offered as a contract provision to lessen the impacts of the proposed zone change on surrounding properties, especially impacts to the single family areas to the west.

The fifth locational criterion specifies the L-3 designation as being most appropriate for those areas that are well-served with public transit and have direct access to arterials. The proposal site satisfies the fifth criterion because it has direct access to public transit and arterials in three directions (30<sup>th</sup> Avenue Northeast, 100 feet to the west; Lake City Way Northeast, 800 feet to the east; and Northeast 145<sup>th</sup> Street via 32<sup>nd</sup> Avenue Northeast, one-third mile to the northeast).

The sixth locational criterion specifies the L-3 designation as being most appropriate for those areas having significant topographic breaks, major arterials, or open space that provide sufficient transition to LDT or L-1 multi-family development. The proposal site does not satisfy the sixth criterion because the existing L-3 zone abuts directly to the SF7200 zone without any LDT or L-

1 intermediate zone. However, consistent with the essence of the sixth criterion, the proposed townhouse project would provide a transition from the four-story, seventy-two unit apartment complex on the east to the single-family zone on the west. The proposed contract provision that the development to be allowed is a specific townhouse development shown in application plans at DPD would result in impacts most similar to those which would be found in L-1 zoned areas as L-1 is essentially a town house zone. With this contract provision in place this locational criteria would be met.

The seventh locational criterion specifies the L-3 designation as being most appropriate for those areas with existing multi-family zoning with close proximity and pedestrian access to residential amenities. The proposal site satisfies the seventh criterion because it is adjacent to existing multi-family zoning and it is a short walk away from shopping and conveniences along Lake City Way Northeast and Northeast 145<sup>th</sup> Street. Also, it is around the corner from Littlebrook Creek Park on 32<sup>nd</sup> Avenue Northeast and one-half mile from the Lake City Hub Urban Village.

The eighth locational criterion specifies the L-3 designation as being most appropriate for those areas that are adjacent to business and commercial areas with comparable height and bulk or where a transition in scale from larger multi-family or commercial structures to smaller multi-family structures is desirable. There are neither commercial areas nor areas with multi-family development of a larger scale than would be expected in an L-3 designated area present here and from which to transition to the single family areas to the west. The eighth locational criteria would not be met by designating the proposal site L-3. However, as noted under the seventh locational criteria discussion above, the contract provision guaranteeing a particular, six unit, townhouse development does provide a transition in scale of development.

The proposal site satisfies the eighth locational criteria because it provides a transition from the four-story structures on the east to a smaller-scale townhouse building.

### 3. Zoning History and Precedential Effect

Previous and potential zoning changes both in and around the area proposed for rezone are to be considered. The DPD historic zoning maps show a stable pattern on the subject site and in the surrounding area. A comprehensive plan map dated 1977 showed the subject site and surrounding area designated as “one and two- family residential”. A similarly dated map comparing actual use to plan designation included the area in the category, “Areas Currently In Multi-Unit Housing Or Open Space, But Presently Indicated As One And Two Family Residential On Comprehensive Plan.” A map of proposed zoning changes dated 1979 showed the strip running from Northeast 135<sup>th</sup> Street to Northeast 145<sup>th</sup> Street between 30<sup>th</sup> Avenue Northeast and 32<sup>nd</sup> Avenue Northeast as slated for “Medium 1”, described as three- or four-story townhouses and apartments. A recommended policy map dated 1980 shows the same area labeled “L-3”, described similarly to the prior “Medium 1” designation.

The zoning change around 1980 designated the forty-some interior parcels on the blocks between 30<sup>th</sup> Avenue and 32<sup>nd</sup> Avenue Northeast along Northeast 137<sup>th</sup> Street, Northeast 140<sup>th</sup> Street, and Northeast 143<sup>rd</sup> Street as L-3. The subject site is one of three parcels that ended up being split-zoned. The three split-zoned parcels are adjacent to corner lots whose east boundaries are 100

feet back from 30<sup>th</sup> Avenue Northeast. The other lots with frontage on 30<sup>th</sup> Avenue Northeast having east boundaries located 150 feet back from 30<sup>th</sup> Avenue Northeast. The zone boundary follows the 150-foot line, resulting in split-zoning for the parcels adjacent to the three corner lots having depth of only 100 feet.

The zoning history indicates the orderly and considered establishment of the multi-family area adjacent to the subject site and no contrary intent. The split-zoning of the three parcels that occurred around 1980 appears to be an unfortunate mapping pattern and something that would hopefully be avoided today. Establishment of the west portion of the subject site as part of the L-3 zone would consistent with the zoning history of the site.

#### 4. Neighborhood Plans

The proposal site is in the North Planning area. It is one-half mile north of the Lake City Hub Urban Village. There is no neighborhood plan covering the proposal site.

#### 5. Compliance with Zoning Principles

SMC 23.34.008.E, regarding Zoning Principles, calls for consideration of the following issues:

*a. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

Because the proposal is for a Contract Rezone to allow only the development of the proposed townhouse project, it is appropriate to consider only the impacts of the proposed structure and use on the surrounding zones and only these in context of transition between zones.

The proposed project complies with the zoning principle set forth above because it provides a less-intensive use than the neighboring multi-family structures. The density on the eight existing multi-family parcels exceeds the maximum L-3 density of one unit per 800 sq. ft. The proposed project would provide a much lower density of less than one unit per 1200 sq. ft. The three nearest multi-family structures are four stories while the proposed project would be three stories, thereby providing a transition to the one- and two and potentially three-story houses in the SF7200 zone. Also, whereas the nearest multi-family structures are quite massive and lack modulation, the proposed project would essentially be three attached duplexes, each at a different elevation and containing architectural features that create individual identity for each of the six units. The proposed townhouses would be ground-related structures with yards and landscaping similar to those found in single family areas.

Overall, the townhouse design would provide a suitable transition between the more intensive multi-family zone and the neighboring single-family zone. To assure that the project is developed as anticipated in its application for the contract rezone, and that appropriate mitigation is achieved, the applicant will enter into a binding Property Use and Development Agreement (PUDA) in connection with the contract rezone, as provided pursuant to SMC 23.34.004.

*b. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers: (a) natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines; (b) freeways, expressways, other major traffic arterials, and railroad tracks; (c) distinct change in street layout and block orientation; (d) open space and green spaces.*

There are no physical buffers of note to be considered.

*c. Zone Boundaries: in establishing boundaries the following elements shall be considered: (1) physical buffers as described in subsection E(2) above; (2) platted lot lines.*

There is no physical buffer justifying the current split-zoning of the subject parcel nor changing to a new pattern. The proposed rezone would remove split-zoning, making the zone boundary consistent with platted lot lines.

## 6. Impact Evaluation

SMC 23.34.008.F, regarding Impact Evaluation, says, “the evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.” Following are the factors and service capacities to be examined.

*Factors to be examined include, but are not limited to, the following:*

### *a. Housing, particularly low-income housing*

The impact of the proposed action on housing would be favorable. Six new dwelling units having 1,325 sq. ft. of living space each would replace the one existing dwelling unit having 990 sq. ft. of living space. The new dwelling units are expected to be individually owned. Given their location, they would be expected to be priced in the lowest quartile of selling prices for new, non-subsidized, three-bedroom residences in north Seattle. The proposed townhouses would not be expected to have a negative impact on the value or future condition of surrounding properties in the neighborhood.

### *b. Public services*

No negative impact on public services is expected from the proposed action. All utilities required for the proposed project can be provided by existing connections or extensions thereof. Little additional burden on public safety services is anticipated. The impact would be positive because of right-of-way improvements, including storm water conveyance, hardening of the pavement, curbs, and sidewalks proposed as a contract provision.

### *c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation*

A negative impact of new, three-story development on the proposal site would be shadows cast in early morning hours on the parcel to the west. While there is likely to be more impervious surface and resulting storm water runoff with the proposed townhouse development than would occur on a lot zoned half single family, the proposed

development is ground related with a fair amount of landscaped open space. Current code requirements would limit to a good degree water quality impacts (Stormwater, Grading and Drainage Control Ordinance) and they will require a high degree of energy conservation (Energy and Building Codes).

*d. Pedestrian safety*

The impact would be favorable. Presently, there are no sidewalks. The unpaved right of way is uneven and prone to being muddy. The proposed project would add sidewalks, providing pedestrians with a less slippery surface that is segregated from vehicle traffic.

*e. Manufacturing activity*

There are no manufacturing activities in the immediate area.

*f. Employment activity*

The proposed project would be expected to have no negative effect on area employment activity. To a small degree the provision of additional housing in the area could be expected to encourage economic activity as it will make it easier for workers to live there.

*g. Character of areas recognized for architectural or historic value*

There is no known applicability of this provision.

*h. Shoreline view, public access and recreation*

Not applicable, as no shoreline areas are in the vicinity of the project.

*Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*

*a. Street access to the area*

Access to the proposal site is via Northeast 140<sup>th</sup> Street. The street is in a sixty-foot right of way. The proposed project will bring right-of-way improvements. There would be no negative impact on street access.

*b. Street capacity in the area*

The proposal site is near three arterials: 30<sup>th</sup> Avenue Northeast, Lake City Way Northeast, and Northeast 145<sup>th</sup> Street. There are tens of thousands of daily trips on these arterials. The proposed project would result in a net increase of five dwelling units. The traffic generated by the proposed project would have no measurable effect.

*c. Transit service*

The proposed site is particularly well served by public transit. Transit service is available on 30<sup>th</sup> Avenue Northeast via (1) METRO Route #64 express southbound serving the University District, Downtown Seattle, and First Hill, (2) METRO Route #65 southbound serving Wedgwood, Ravenna, and the University District. Transit service is available on Lake City Way Northeast via (1) Sound Transit Route #522 express southbound serving Downtown Seattle and northbound serving Lake Forest Park, Kenmore, Bothell, and



Woodinville, (2) METRO Route # 372 express southbound serving Ravenna and the University District and northbound serving Lake Forest Park, Kenmore, Bothell, and Woodinville, (3) METRO Route #306 express southbound serving Downtown Seattle and northbound serving Bothell, (4) METRO Route #312 express southbound serving Downtown Seattle and northbound serving Kenmore and Bothell, (5) METRO Route #41 southbound serving Northgate and express to Downtown Seattle, (6) METRO Route #72 southbound serving Maple Leaf, Ravenna, the University District, Eastlake, and Downtown Seattle, (7) METRO Route #79 serving Maple Leaf, Ravenna, the University District and express Downtown Seattle, and (8) METRO Route #330 northbound serving Shoreline Community College. Transit service is available on Northeast 145<sup>th</sup> Street via METRO Route # 308 express southbound serving Downtown Seattle and northbound serving Lake Forest Park.

*d. Parking capacity*

The proposed project will have attached single-car garages in each of the six units. In addition, the proposed project will add right-of-way improvements enabling on-street parking for four vehicles. It is unlikely there will be parking demand in excess of that which can be provided on site in garages and driveways and on adjacent streets.

*e. Utility and sewer capacity*

No negative effect is anticipated. Existing capacities of utility and sewer services in the area can reasonably be expected to accommodate the proposed project.

*f. Shoreline navigation*

Not applicable.

*7. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.*

Not applicable.

*8. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.*

Not applicable.

*9. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.*

Ninety feet east of the east boundary of the proposal site is a small stream running underground via a thirty-inch concrete pipe. Between the proposal site and the culvert is an asphalt parking lot and a four-story apartment structure. The proposed project will have no impact on the critical area.

**B. Designation of Single Family Zones**

SMC 23.34.010 provides that areas not within adopted boundaries of an urban village are to be rezoned to zones more intense than SF 5000 only if an applicant can demonstrate the areas does not meet the criteria for single-family designation.

SMC 23.34.011 provides the locational criteria for single family zones. The criteria most empirically objective is found in subsection B.1 and indicates that single family zoning is most appropriate for areas that consist of blocks with at least seventy percent of the existing structures in single family residential use. Review of King County Tax Assessor records of the uses in structures on both sides of N.E. 130<sup>th</sup> St. between 30<sup>th</sup> Ave. N.E. and 32<sup>nd</sup> Ave. N.E. reveals 11 multi family structures out of 14 totals or 21.43% single family. Hence, the block is far below the 70% structures in single family use criteria.

Subsection B.3 of SMC 23.34.001 provides single family zoning is appropriate in areas which consist of blocks with less the 70% of existing structures in single family residential use but in which an increasing trend toward single family residential use can be demonstrated, for example where: construction of single family structures in the last five years has been increasing; or the area shows an increasing number of improvements and rehabilitation efforts to single family structures; or the area's location is topographically and environmentally suitable for single family structures. The subject area is fully developed and few, if any, new single family residences are being constructed. Like Seattle in general, the value and demand for residential housing has gone up significantly in recent years and rehabilitation efforts are common. The area is topographically moderate and environmentally benign; suitable for single family development.

Two to the three criteria of subsection B.3 are met. The section as a whole, however, is of limited usefulness in this instance as it is addressed to "areas that consist of blocks" and not to a micro level adjustment such as this one aimed at unifying the zoning designation of a single 7,354 sq. ft. parcel of land.

Subsection C of SMC 23.34.001 an area which meets at least one of the criteria of subsection B should also satisfy the following size criteria in order to be designated a single family zone:

1. it should be 15 contiguous acres or more;
2. if less than 15 contiguous acres and not abutting an existing single family zone it should demonstrate strong or stable single family residential use trends or potential (with several examples given).

The proposal site is less than 15 contiguous acres and does not abut an existing single family zone. These criteria of subsection C are of minimal use in analyzing the proposal here.

Subsection D of SMC 23.34.001 provides that half blocks at the edges of single family zones which have more than 50% of structures in single family use are subject to a policy of favoring their inclusion in the single family area. This is not the situation in this instance.

## **RECOMMENDATION – REZONE**

Analysis of the rezone criteria above reveals that the subject site and immediately surrounding area are appropriately located for the proposed use. A contract rezone to the proposed classification of L-3 is likely appropriate. It appears that the choice of this classification as a contract rezone is the most appropriate choice of zones because it is consistent with the existing zoning for most of the split-zoned parcel. In addition, the recommended classification allows the construction, subject to a PUDA, of a townhouse project that seems to be most appropriate for the site in which the contemplated mitigation of impacts will be implemented.

## **DPD REZONE RECOMMENDATION**

Conditionally Approve Contract Rezone To Change From SF7200 to L-3.

## **II. SEPA SUBSTANTIVE REVIEW AND CONDITIONING**

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by this Department. The information in the checklist, plans submitted by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)”.

Under certain limitations and circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below:

### **Short-Term Impacts**

Anticipated short-term impacts that could occur during demolition, excavation, and construction include the following: increased noise from construction and demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance with existing codes and ordinances. Specifically, these codes and ordinances are as follows: Stormwater, Grading, and Drainage Control Code (grading, site excavation, and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise).

### **Long-Term Impacts**

Long-term or use related impacts are also anticipated from the proposal and include the following: increased surface water runoff from greater site coverage by impervious surfaces; potentially decreased water quality in surrounding watersheds; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased disruption of public views, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant because the impacts are minor in scope.

### **DECISION – SEPA**

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. And EIS is required under RCW 43.21C.030(2)(C).

### **RECOMMENDED CONDITIONS – SEPA**

None.

### **RECOMMENDED REZONE CONDITIONS**

1. The contract rezone shall be limited to substantially the same structures, design, and uses as set forth in the application. These shall also be described in a Property Use and Development Agreement (“PUDA”) which shall be agreed to and recorded in connection with the proposed rezone.
2. Curbs and sidewalks constructed to City of Seattle standards shall be constructed along the project right-of-way frontage.

Signature: (signature on file)  
Scott Kemp, Senior Land Use Planner  
Department of Planning and Development

Date: June 22, 2006